

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ANGELIA MARIE BYRD, a.k.a.
ANGELIA M. BYRD

Registered Nurse License No. 595556

Respondent

Case No. 2012-678

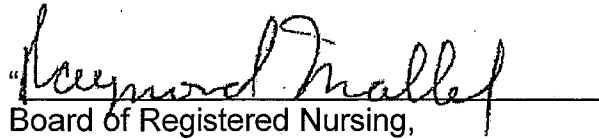
OAH Case No. 2012060224

**ORDER CORRECTING CLERICAL ERROR IN
DECISION AND ORDER**

On its own motion, the Board of Registered Nursing (hereafter "Board") finds that there was a clerical error in the Decision and Order in the above-entitled matter and that such clerical errors should be corrected so that it will conform to the Board's intention as follows:

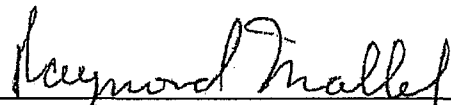
1. On or about February 26, 2013 a Decision and Order was issued adopting the Proposed Decision which erroneously showed the signature Louise R. Bailey as Board President.

IT IS HEREBY ORDERED that the signature on that Decision and Order in the above-entitled matter be and is hereby amended and corrected nunc pro tunc as should be as follows:



Board of Registered Nursing,
President
Department of Consumer Affairs
State of California"

IT IS SO ORDERED this 28th day of February, 2013.



BOARD OF REGISTERED NURSING,
PRESIDENT
DEPTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

1
2
3
4
5
6
7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-678

13 **ANGELIA MARIE BYRD AKA ANGELIA**
14 **M. BYRD**

OAH No. 2012060224

15 36 Walt Byrd Road
16 Laurel, MS 39443

DEFAULT DECISION AND ORDER

17 Registered Nurse License No. 595556

[Gov. Code, §11520]

18 Respondent.

19 **FINDINGS OF FACT**

20 1. On or about May 2, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her official
21 capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer
22 Affairs, filed Accusation No. 2012-678 against Angelia Marie Byrd aka Angelia M. Byrd
23 (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

24 2. On or about March 4, 2002, the Board of Registered Nursing (Board) issued
25 Registered Nurse License No. 595556 to Respondent. The Registered Nurse License is in effect
26 until July 31, 2013, unless renewed.

27 ///

1 3. On or about May 2, 2012, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 2012-678, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to California Code of Regulations, title 16,
5 section 1409.1, is required to be reported and maintained with the Board. Respondent's address
6 of record was and is:

7 36 Walt Byrd Road
8 Laurel, MS 39443.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about May 11, 2012, Respondent signed and returned a Notice of Defense,
13 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's
14 address of record and it informed her that an administrative hearing in this matter was scheduled
15 for November 7, 2012. Respondent failed to appear at that hearing.

16 6. Government Code section 11506 states, in pertinent part:

17 (c) The respondent shall be entitled to a hearing on the merits if the respondent
18 files a notice of defense, and the notice shall be deemed a specific denial of all parts
19 of the accusation not expressly admitted. Failure to file a notice of defense shall
20 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
21 may nevertheless grant a hearing.

22 7. California Government Code section 11520 states, in pertinent part:

23 (a) If the respondent either fails to file a notice of defense or to appear at the
24 hearing, the agency may take action based upon the respondent's express admissions
25 or upon other evidence and affidavits may be used as evidence without any notice to
26 respondent.

27 8. Pursuant to its authority under Government Code section 11520, the Board finds
28 Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 2012-678, finds

1 that the charges and allegations in Accusation No. 2012-678, are separately and severally, found
2 to be true and correct by clear and convincing evidence.

3 9. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$1,930.00 as of October 31, 2012.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Angelia Marie Byrd aka Angelia
8 M. Byrd has subjected her Registered Nurse License No. 595556 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
11 Nurse License based upon the following violations alleged in the Accusation which are supported
12 by the evidence contained in the Default Decision Evidence Packet in this case.

13 a. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of
14 the Code because the Mississippi Board of Nursing ("Mississippi Board") disciplined
15 Respondent's license to practice nursing in Mississippi. The circumstances of the discipline by
16 the Mississippi Board are that on or about February 9, 2007, the Mississippi Board and
17 Respondent executed a Program Participation Affidavit Recovering Nurse Program, in which
18 Respondent agreed to restrictions on her license for a minimum of five (5) years while she
19 participates in the Mississippi Board of Nursing Recovering Nurse Program in lieu of having an
20 administrative hearing before the Board. The circumstances underlying the action by the
21 Mississippi Board are that Respondent admitted that she is addicted to or dependent on alcohol or
22 habit forming drug or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or
23 other drugs having similar effect, or have misappropriated medication, in violation of Mississippi
24 Code. Respondent admitted that she violated Mississippi Code in that she engaged in
25 unprofessional conduct when she possessed, obtained, furnished or administered drugs in
26 violation of the law.

b. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the Code on the grounds of unprofessional conduct. The conduct is described in more particularity in Accusation No. 2012-678, hereby incorporated by reference.

c. Respondent is subject to disciplinary action under section 2762, subdivision (a) of the Code in that Respondent admitted that she obtained or possessed drugs in violation of the law. The conduct is described in more particularity in Accusation No. 2012-678, hereby incorporated by reference.

d. Respondent is subject to disciplinary action under section 2762, subdivision (b) of the Code in that Respondent admitted that she was addicted to or dependent on alcohol, habit forming drugs, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect. The conduct is described in more particularity in Accusation No. 2012-678, hereby incorporated by reference.

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

ORDER

IT IS SO ORDERED that Registered Nurse License No. 595556, heretofore issued to Respondent Angelia Marie Byrd aka Angelia M. Byrd, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on MARCH 28, 2013.

It is so ORDERED FEBRUARY 26, 2013.

Louise R. Bailey, M.Ed., RN

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51189517.DOC
DOJ Matter ID:LA2012602498

Attachment:
Exhibit A: Accusation No. 2012-678

Exhibit A

Accusation

KAMALA D. HARRIS
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
KATHERINE MESSANA
Deputy Attorney General
State Bar No. 272953
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2554
Facsimile: (213) 897-2804

Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. **2012-678**

**ANGELIA MARIE BYRD AKA ANGELIA
M BYRD**

ACCUSATION

36 Walt Byrd Road
Laurel, MS 39443

Registered Nurse License No. 595556

Respondent.

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about March 4, 2002, the Board of Registered Nursing issued Registered Nurse License Number 595556 to Angelia Marie Byrd ("Respondent"). The Registered Nurse License expired on July 31, 2011, and has not been renewed.

///

///

///

JURISDICTION AND STATUTORY PROVISIONS

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

7. California Code of Regulations title 16, section 1419.3 provides, in pertinent part:

"In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

(b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."

8. Section 118 subdivision (b) of the Code grants the Board jurisdiction over suspended, expired, forfeited, cancelled, or surrendered licenses:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

///

///

1 9. Section 2761 of the Code states:

2 "The board may take disciplinary action against a certified or licensed
3 nurse or deny an application for a certificate or license for any of the following:

4 (a) Unprofessional conduct, which includes, but is not limited to, the
5 following:

6 ...

7 (4) Denial of licensure, revocation, suspension, restriction, or any other
8 disciplinary action against a health care professional license or certificate by another
9 state or territory of the United States, by any other government agency, or by another
10 California health care professional licensing board. A certified copy of the decision
11 or judgment shall be conclusive evidence of that action."

12 10. Section 2762 of the Code states:

13 "In addition to other acts constituting unprofessional conduct within the
14 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
15 person licensed under this chapter to do any of the following:

16 (a) Obtain or possess in violation of law, or prescribe, or except as
17 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
18 himself or herself, or furnish or administer to another, any controlled substance as
19 defined in Division 10 (commencing with Section 11000) of the Health and Safety
20 Code or any dangerous drug or dangerous device as defined in Section 4022.

21 (b) Use any controlled substance as defined in Division 10 (commencing
22 with Section 11000) of the Health and Safety Code, or any dangerous drug or
23 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
24 in a manner dangerous or injurious to himself or herself, any other person, or the
25 public or to the extent that such use impairs his or her ability to conduct with safety to
26 the public the practice authorized by his or her license."

27 COST RECOVERY

28 11. Section 125.3 of the Code provides, in pertinent part, that the Board, Registrar, or
Director may request the administrative law judge to direct a licensee found to have committed a
violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the Mississippi Board of Nursing)

12. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of
the Code because the Mississippi Board of Nursing ("Mississippi Board") disciplined

Respondent's license to practice nursing in Mississippi. The circumstances of the discipline by the Mississippi Board are, as follows:

13. On or about February 9, 2007, the Mississippi Board and Respondent executed a Program Participation Affidavit Recovering Nurse Program, in which Respondent agreed to restrictions on her license for a minimum of five (5) years while she participates in the Mississippi Board of Nursing Recovering Nurse Program in lieu of having an administrative hearing before the Board. The circumstances underlying the action by the Mississippi Board are, as follows:

- a. Respondent admitted that she is addicted to or dependent on alcohol or habit forming drug or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect, or have misappropriated medication, in violation of Mississippi Code.
- b. Respondent admitted that she violated Mississippi Code in that she engaged in unprofessional conduct when she possessed, obtained, furnished or administered drugs in violation of the law.

14. Under Section 2761, subdivision (a)(4) of the Code, the discipline of Respondent's nursing license by Mississippi is grounds for the California Board to take disciplinary action.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

15. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the Code on the grounds of unprofessional conduct. The conduct is described in more particularity in paragraphs 12 through 14, above, inclusive and hereby incorporated by reference.

THIRD CAUSE FOR DISCIPLINE

(Drug Related Transgressions)

16. Respondent is subject to disciplinary action under section 2762, subdivision (a) of the Code in that Respondent admitted that she obtained or possessed drugs in violation of the law. The conduct is described in more particularity in paragraphs 12 through 14, above, inclusive and hereby incorporated by reference.

1 17. Respondent is subject to disciplinary action under section 2762, subdivision (b) of the
2 Code in that Respondent admitted that she was addicted to or dependent on alcohol, habit forming
3 drugs, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs
4 having similar effect. The conduct is described in more particularity in paragraphs 12 through 14,
5 above, inclusive and hereby incorporated by reference.

6 ///

7 **PRAYER**

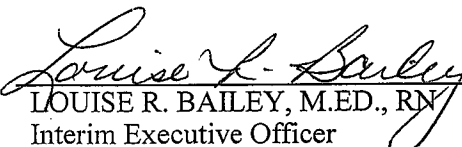
8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 595556, issued to Angela
11 Marie Byrd;

12 2. Ordering Angela Marie Byrd to pay the Board of Registered Nursing the reasonable
13 costs of the investigation and enforcement of this case, pursuant to Business and Professions
14 Code section 125.3;

15 3. Taking such other and further action as deemed necessary and proper.
16
17

18 DATED: May 2, 2012


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

23 LA2012602498
24 60741007.doc
25
26
27
28